

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

IN RE PACKAGED ICE ANTITRUST  
LITIGATION

THIS DOCUMENT RELATES TO:  
DIRECT PURCHASER ACTIONS

Case Number: 08-MD-01952  
Judge Hon. Paul D. Borman  
Magistrate Judge: Hon. Steven D. Pepe

**JOINT MOTION BY THE REDDY ICE AND THE ARCTIC GLACIER DEFENDANTS  
TO STAY CONSIDERATION OF DIRECT PURCHASER PLAINTIFFS' MOTION FOR  
PRELIMINARY APPROVAL OF SETTLEMENT WITH THE HOME CITY ICE  
COMPANY**

Reddy Ice Holdings, Inc., Reddy Ice Corporation, Arctic Glacier Income Fund, Arctic Glacier, Inc., and Arctic Glacier International, Inc. (collectively the "Non-Settling Defendants") hereby move to stay consideration of and respond to the Direct Purchaser Plaintiffs' Motion for Preliminary Approval of Proposed Settlement With The Home City Ice Company and for Authorization to Disseminate Notice. In support of their Joint Motion, the Non-Settling Defendants state as follows:

1. Before this Court may consider certifying any settlement class, the Direct Purchaser Plaintiffs must carry the burden of demonstrating that their proposed class meets the requirements of Fed.R.Civ.P. 23. Because there exist significant questions whether the Direct Purchaser Plaintiffs ultimately will be able to meet this burden, the question of what settlement class, if any, may be certified should be answered only after the development of a proper record

and appropriate briefing, in the event that the Direct Purchasers claims survive the pending Motions to Dismiss.

2. Proceeding with the process for preliminary approval of the Home City settlement at this time would be inefficient and confusing, necessitating multiple class notices to potentially differing classes, and it could have unintended effects in the remainder of the litigation. Moreover, no prejudice will result from the Court making its settlement determination after the parties have had the opportunity to properly brief any remaining certification issues.

3. In compliance with E.D. Mich. L.R. 7.1(a), counsel for the Reddy Ice Defendants attempted to obtain the Direct Purchaser Plaintiffs counsel's consent to the relief sought herein by a telephone call to Direct Purchasers' counsel. Such consent was not obtained.

WHEREFORE, for all of the reasons set forth in this Motion and the accompanying Brief which is incorporated herein, the Non-Settling Defendants respectfully request that this Court stay consideration of preliminary approval of the Direct Purchasers' settlement with The Home City Ice Company until after the development of a proper record and appropriate briefing.

Dated: November 30, 2009

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on November 30, 2009, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to all ECF users, and I hereby certify that I have mailed by United States Postal Service the Foregoing Joint Motion by The Reddy Ice and The Arctic Glacier Defendants to Stay Consideration of Direct Purchaser Plaintiffs' Motion for Preliminary Approval of Settlement With The Home City Ice Company and Brief in Support thereof, to the following non-ECF participants:

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